

and with the advice and consent of the Senate, to serve at the pleasure of the President for a term not to exceed four years subject to reappointment and confirmation, any other provision of law to the contrary notwithstanding. Such offices are—

(1) The head of the Mining Enforcement and Safety Administration established pursuant to Order Numbered 2953 of the Secretary of the Interior issued in accordance with the authority provided by section 2 of the Reorganization Plan Numbered 3 of 1950 (64 Stat. 1262);

(2) Director of the Bureau of Land Management;

(3) Director of the National Park Service;

(4) Director of the Bureau of Outdoor Recreation;

(5) Commissioner of Reclamation;

(6) Governor of American (Eastern) Samoa.

The title was amended, so as to read: "A bill to require that certain Federal offices be filled by appointment by the President by and with the advice and consent of the Senate."

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. HUMPHREY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HUDDLESTON. Mr. President, I ask unanimous consent that my name be added as a cosponsor of the bill just passed.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE— ENROLLED BILL SIGNED

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the Speaker had affixed his signature to the enrolled bill (S. 1090) to amend the Communications Act of 1934, to extend certain authorizations for the Corporation for Public Broadcasting and for certain construction grants for noncommercial educational television and radio broadcasting facilities, and for other purposes.

The enrolled bill was subsequently signed by the Acting President pro tempore (Mr. ALLEN).

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States, submitting nominations, were communicated to the Senate by Mr. Marks, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer (Mr. SPARKMAN) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations received today, see the end of Senate proceedings.)

FEDERAL ELECTION CAMPAIGN ACT AMENDMENTS OF 1973

The PRESIDING OFFICER (Mr. SPARKMAN). Under the previous order, the Senate will now proceed to the con-

sideration of S. 372, which the clerk will state by title.

The assistant legislative clerk read as follows:

A bill (S. 372) to amend the Communications Act of 1934 to relieve broadcasters of the equal time requirement of section 315 with respect to presidential and vice presidential candidates and to amend the Campaign Communications Reform Act to provide further limitation on expenditures in election campaigns for Federal elective office.

The Senate proceeded to consider the bill which had been reported from the Committee on Commerce and the Committee on Rules and Administration with amendments.

The amendments of the Committee on Commerce are as follows:

On page 2, at the beginning of line 1, strike out "Sec. 2." and insert "Sec. 2. (a) after line 6, insert:

(b) Section 315(b) of such Act (47 U.S.C. 315(b)) is amended by striking out "by any person" and inserting "by or on behalf of any person".

On page 4, after line 9, strike out:

"(1) The term 'expenditure' means—

"(A) a purchase, payment, distribution, loan, advance, deposit, or gift of money or anything of value (except a loan of money by a National or State bank made in accordance with the applicable banking laws and regulations and in the ordinary course of business, or those who volunteer to work on behalf of a candidate), made for the purpose of influencing the nomination for election, or election, of any person to Federal office, for the purpose of influencing the result of a primary held for the selection of delegates to a national nominating convention of a political party or for the expression of a preference for the nomination of persons for election to the office of President, or for the purpose of influencing the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States;

"(B) a contract, promise, or agreement, express or implied, whether or not legally enforceable, to make any expenditure; and

"(C) a transfer of funds between political committees."

And, in lieu thereof, insert:

"(1) The term 'expenditure'—

"(A) means—

"(1) The term 'expenditure'—
loan, advance, deposit, or gift of money or anything of value made for the purpose of influencing the nomination for election, or election, of any person to Federal office, for the purpose of influencing the result of any election held for the selection of delegates to a national nominating convention of a political party or for the expression of a preference for the nomination of persons for election to the Office of President;

"(ii) a contract, promise, or agreement, express or implied, whether or not legally enforceable, to make any expenditure; and

"(iii) a transfer of funds between political committees; but

"(B) does not include (i) a loan of money by a National or State bank made in accordance with the applicable banking laws and regulations and in the ordinary course of business; (ii) the services of those who volunteer to work on behalf of a candidate; or (iii) communications by an established membership organization (not organized for purely political purposes) to its members, or by a corporation (not organized for purely political purposes) to its stockholders."

On page 6, after line 14, insert:

(c) Section 102(6) of the Campaign Communications Reform Act is amended to read as follows:

"(6) The term 'State' means each State of the United States, the District of Columbia, the territory of Guam, the Commonwealth of Puerto Rico, and the territory of the Virgin Islands."

(d) Section 102 of the Campaign Communications Reform Act is amended by adding at the end thereof the following new paragraph:

"(7) The term 'person' means an individual, partnership, committee, association, corporation, labor organization or group of persons.

On page 7, after line 7, strike out:

"Sec. 104. (a) No candidate (other than a candidate for Presidential nomination) may make expenditures in connection with his campaign for nomination for election, or election, to a Federal office in excess of 25 cents multiplied by the voting age population (as certified under subsection (c)) of the geographical area in which the election for such office is held. The limitation on expenditures imposed by this subsection shall apply separately to each primary, primary runoff, general, and special election campaign in which a candidate participates."

And, in lieu thereof, insert:

"Sec. 104. (a) (1) No legally qualified candidate other than a candidate for Presidential nomination may make expenditures in connection with his campaign for nomination for election, or election, to Federal office in excess of the greater of—

"(A) 25 cents multiplied by the voting age population (as certified under subsection (e)) of the geographical area in which the election for such office is held, or

"(B) the maximum amount allowable under paragraph (2).

"(2) For purposes of paragraph (1), the maximum amount allowable under this paragraph is—

"(A) \$175,000, if the Federal office sought is that of Senator, Delegate, Resident Commissioner, or Representative from a State which is entitled to only one Representative; and

"(B) \$90,000, if the Federal office sought is that of Representative from a State entitled to more than one Representative.

"(3) The limitation on expenditures imposed by this subsection shall apply separately to each primary, primary runoff, general, and special election campaign in which a candidate participates.

On page 9, at the beginning of line 17, strike out "(c)" and insert "(c) (1)"; at the beginning of line 18, strike out "candidate" and insert "legally qualified candidate or candidates for presidential nomination"; at the top of page 10, insert:

"(2) For purposes of paragraph (1) no expenditure in an amount not in excess of \$100 made on behalf of a candidate by a person or persons acting independently of the candidate shall be deemed to have been made by such candidate unless the person making the expenditure is the candidate or his agent, or is a political committee or other person required, under section 304 or 305 of the Federal Election Campaign Act of 1971, to report that expenditure to the Federal Election Commission."

In line 20, after the word "the", where it appears the second time, strike out "Attorney General" and insert "Federal Election Commission"; in line 25, after "(a)", insert "of this section"; on page 11, at the beginning of line 5, insert "the Federal Election Campaign Act of 1973"; in line 7, after the word "the", strike out

"Comptroller General" and insert "Federal Election Commission"; in line 13, after the word "any", insert "legally qualified"; in line 21, after the word "The", strike out "Comptroller General" and insert "Federal Election Commission"; on page 26, after line 2, insert a new section, as follows:

SEC. 8. (a) Title III of the Federal Election Campaign Act of 1971 (relating to disclosure of Federal campaign funds) is amended by redesignating sections 308 through 311 as sections 310 through 313, 315, respectively, and by inserting after section 307 the following new sections:

"FEDERAL ELECTION COMMISSION

"SEC. 308. (a) (1) There is hereby established, as an independent establishment of the executive branch of the Government of the United States, a commission to be known as the Federal Election Commission, hereinafter referred to as the 'Commission.'

"(2) The Commission shall be composed of nine members who shall be appointed by the President and with the advice and consent of the Senate.

"(3) Except as provided in this paragraph, members of the Commission shall be appointed for terms of fifteen years each, ending at noon on the 30th day of April in each case. Of the members initially appointed under this section—

"(A) three shall be appointed for terms ending at noon on the thirtieth day of the fifth April beginning after the date of enactment of the Federal Election Campaign Act of 1973,

"(B) three shall be appointed for terms ending at noon on the thirtieth day of the tenth April beginning after the date of enactment of the Federal Election Campaign Act of 1973, and

"(C) three shall be appointed for terms ending at noon on the thirtieth day of the fifteenth April beginning after the date of enactment of the Federal Election Campaign Act of 1973.

"(4) Members shall be chosen on the basis of their maturity, experience, integrity, impartiality, and good judgment. Not more than five members of the Commission shall be affiliated with the same political party.

"(5) An individual appointed to fill a vacancy occurring other than by the expiration of a term of office shall be appointed only for the unexpired term of the member he succeeds.

"(6) The Commission shall elect a Chairman and a Vice Chairman from among its members for such terms as the Commission determines appropriate. The Vice Chairman shall act as Chairman in the absence or disability of the Chairman, or in the event of a vacancy in that office.

"(b) A vacancy in the Commission shall not impair the right of the remaining members to exercise all the powers of the Commission and five members thereof shall constitute a quorum.

"(c) The Commission shall have an official seal which shall be judicially noticed.

"(d) The Commission shall at the close of each fiscal year report to the Congress and to the President concerning the action it has taken; the names, salaries, and duties of all individuals in its employ and the money it has disbursed; and shall make such further reports on the matters within its jurisdiction and such recommendations for further legislation as may appear desirable.

"(e) The principal office of the Commission shall be in or near the District of Columbia, but it may meet or exercise any or all its powers in any State.

"(f) The Commission shall appoint a General Counsel and an Executive Director to serve at the pleasure of the Commission. The General Counsel shall be the chief legal offi-

cer of the Commission. The Executive Director shall be responsible for the administrative operations of the Commission and shall perform such other duties as may be delegated or assigned to him from time to time by regulations or orders of the Commission. However, the Commission shall not delegate the making of regulations regarding elections to the Executive Director.

"(g) The Chairman of the Commission shall appoint and fix the compensation of such personnel as may be necessary to fulfill the duties of the Commission in accordance with the provisions of title 5, United States Code.

"(h) The Commission may obtain the services of experts and consultants in accordance with section 3109 of title 5, United States Code.

"(i) In carrying out its responsibilities under this title, the Commission shall, to the fullest extent practicable, avail itself of the assistance, including personnel and facilities, of the General Accounting Office and the Department of Justice. The Comptroller General and the Attorney General are authorized to make available to the Commission such personnel, facilities, and other assistance, with or without reimbursement, as the Commission may request.

"POWERS OF COMMISSION

"SEC. 309. (a) The Commission shall have the power—

"(1) to require, by special or general orders, any person to submit in writing such reports and answers to questions as the Commission may prescribe; and such submission shall be made within such reasonable period and under oath or otherwise as the Commission may determine;

"(2) to administer oaths;

"(3) to require by subpoena, signed by the Chairman or the Vice Chairman, the attendance and testimony of witnesses and the production of all documentary evidence relating to the execution of its duties;

"(4) in any proceeding or investigation to order testimony to be taken by deposition before any person who is designated by the Commission and has the power to administer oaths and, in such instances, to compel testimony and the production of evidence in the same manner as authorized under paragraph (3) of this subsection;

"(5) to pay witnesses the same fees and mileage as are paid in like circumstances in the courts of the United States;

"(6) to accept gifts and voluntary and uncompensated services, notwithstanding the provisions of section 3679 of the Revised Statutes (31 U.S.C. 665(b));

"(7) to initiate (through civil proceedings for injunctive relief and through presentations to Federal grand juries), prosecute, defend, or appeal any court action in the name of the Commission for the purpose of enforcing the provisions of title I and this title through its General Counsel; and

"(8) to delegate any of its functions or powers, other than the power to issue subpoenas under paragraph (3), to any officer or employee of the Commission.

"(b) Any United States district court within the jurisdiction of which any inquiry is carried on, may, upon petition by the Commission, in case of refusal to obey a subpoena or order of the Commission issued under subsection (a) of this section, issue an order requiring compliance therewith; and any failure to obey the order of the court may be punished by the court as a contempt thereof.

"(c) No person shall be subject to civil liability to any person (other than the Commission, in case of refusal to obey a subpoena information at the request of the Commission.

"(d) (1) Whenever the Commission submits any budget estimate or request to the President or the Office of Management and Budget, it shall concurrently transmit a copy

of that estimate or request to the Congress.

"(2) Whenever the Commission submits any legislative recommendations, or testimony, or comments on legislation to the President or the Office of Management and Budget, it shall concurrently transmit a copy thereof to the Congress. No officer or agency of the United States shall have authority to require the Commission to submit its legislative recommendations, or testimony, or comments on legislation, to any officer or agency of the United States for approval, comments, or review, prior to the submission of such recommendations, testimony, or comments to the Congress."

(b) (1) Section 5314 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(60) Members, Federal Election Commission (9)."

(2) Section 5315 of such title is amended by adding at the end thereof the following new paragraphs:

"(98) General Counsel, Federal Election Commission.

"(99) Executive Director, Federal Election Commission."

(c) Until the appointment and qualification of all the members of the Federal Election Commission and its General Counsel and until the transfer provided for in this subsection, the Comptroller General, the Secretary of the Senate, and the Clerk of the House of Representatives shall continue to carry out their responsibilities under title I and title II of the Federal Election Campaign Act of 1971 as such titles existed on the day before the date of enactment of this Act. Upon the appointment of all the members of the Commission and its General Counsel, the Comptroller General, the Secretary of the Senate, and the Clerk of the House of Representatives shall meet with the Commission and arrange for the transfer, within thirty days after the date on which all such members and the General Counsel are appointed, of all records, documents, memorandums, and other papers associated with carrying out their responsibilities under title I and title III of the Federal Election Campaign Act of 1971.

(d) Title III of the Federal Election Campaign Act of 1971 is amended by—

(1) amending section 301(g) (relating to definitions) to read as follows:

"(g) 'Commission' means the Federal Election Commission;";

(2) striking out "supervisory officer" in section 302(d) and inserting "Commission";

(3) amending section 302(f) (relating to organization of political committees) by—

(A) striking out "appropriate supervisory officer" in the quoted matter appearing in paragraph 1 and inserting "Federal Election Commission";

(B) striking out "supervisory officer" in subparagraphs (A) and (B) of paragraph (2) and inserting "Commission";

(C) striking out "which has filed a report with him" in paragraph (2)(A) and inserting "which has filed a report with it";

(4) amending section 303 (relating to registration of political committees; statements) by—

(A) striking out "supervisory officer" each time it appears therein and inserting "Commission"; and

(B) striking out "he" in the second sentence of subsection (a) of such section and inserting "it";

(5) amending section 304 (relating to reports by political committees and candidates) by—

(A) striking out "appropriate supervisory officer" and "him" in the first sentence thereof and inserting "Commission" and "it", respectively; and

(B) striking out "supervisory officer" where it appears in the third sentence of subsection (a) and in paragraphs (12) and (13) of subsection (b), and inserting "Commission";